

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM GREEN AND JOANN
GREEN,

Plaintiffs,

vs.

SUNSET FINANCIAL SERVICES,
INC., and BRYAN S. BEHRENS,

Defendants.

8:09-CV-13

ORDER

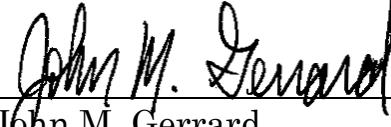
This matter is before the Court on the stipulation and motion for dismissal without prejudice (filing 359) of the claims of William Green and Sunset Financial Services against Bryan S. Behrens. As the Court stated in its order of June 11, 2013 (filing 353), the parties are not precluded by Behrens' bankruptcy from voluntarily dismissing their claims against him, as that is not a "continuation" of a proceeding against him within the meaning of 11 U.S.C. § 362(a)(1). See *Dennis v. A.H. Robins Co., Inc.*, 860 F.2d 871, 872 (8th Cir. 1988); see also *O'Donnell v. Vencor Inc.*, 466 F.3d 1104, 1110-11 (9th Cir. 2006). Accordingly, the parties' motion will be granted pursuant to Fed. R. Civ. P. 41(a)(2).

IT IS ORDERED:

1. The motion for dismissal without prejudice (filing 359) is granted.
2. The claims of William Green and Sunset Financial Services against Bryan S. Behrens are dismissed without prejudice.

Dated this 15th day of August, 2013.

BY THE COURT:


John M. Gerrard
United States District Judge